

Zoning Division  
645 Pine Street  
Burlington, VT 05401  
[www.burlingtonvt.gov/pz](http://www.burlingtonvt.gov/pz)  
Phone: (802) 865-7188  
Fax: (802) 865-7195

William Ward, Director  
Scott Gustin, AICP, CFM, Principal Planner  
Mary O'Neil, AICP, Principal Planner  
Ryan Morrison, Associate Planner  
Layne Darfler, Planning Technician  
Alison Davis, Zoning Clerk  
Theodore Miles, Zoning Specialist  
Charlene Orton, DPI Administrator



**To:** The Design Advisory Board  
**From:** Mary O'Neil, AICP, Principal Planner  
**RE:** 44 Lakeside Avenue (Building 32); ZP20-0820CA  
**Date:** May 26, 2020

**File:** ZP20-0820CA  
**Location:** 44 Lakeside Avenue, Building 32  
**Zone:** E-LM **Ward:** 5S  
**Parking District:** Shared Use  
**Date application accepted:** April 13, 2020  
**Applicant/ Owner:** LandPlan-John Caulo / Lakeside Ovens, LLC (Russ Scully)  
**Request:** Demolition of existing two level 9,200 sf office building and construction of a four level, 18,150 sf office building on existing foundation with new westerly patio. Addition of 5 parking spaces, revised parking layout.



The programs and services of the City of Burlington are accessible to people with disabilities. For accessibility information call 865-7188 (for TTY users 865-7142).

**Background:**

Building 32 is one of several buildings on a 14.89-acre site that includes Buildings 32, 44, 50, a parking lot and at least 4 small waterfront “pavilions”. Permitting for Building 32 has generally fallen under the 44 Lakeside Avenue address:

- **Zoning Permit 20-0707CA**; Construction of seasonal bathhouse at the north end of site with two (2) toilet stalls and two (2) outdoor showers. March 2020.
- **Non-Applicability of Zoning Permit Requirements 19-0492NA**; rooftop solar. January 2019.
- **Zoning Permit 19-0202CA/MA**; Renovate buildings for assembly, office, and seasonal recreational use. Rework parking and circulation. Merge north and south lots into one. November 2018.
- **Zoning Permit 19-0011CA**; New windows, exterior entry doors and roof for existing office building. Demolition of existing loading dock on east side of building; reduction of gross floor area. July 2018.
- **Zoning Permit 18-0865A**; Construct one storage structure to match others built under zoning permit 18-0232CA. Also, construct a pavilion and wooden gate within the existing chain link fence along the bike path. Establish a boat rental use associated with the structures. May 2018.
- **Zoning Permit 18-0232CA**; Construct three outbuildings for storage, to be placed outside of lakeshore buffer. September 2017.
- **Zoning Permit 17-0315CA**; Renovation of interior commercial space for conversion to office use. [Building 32] September 2016.
- **Zoning Permit 13-0682CA**; Install new gas piping on roof beside existing piping. Intall four new roof mounted exhaust fans. January 2013.
- **Zoning Permit 10-0144CA**; Construct addition to link two existing commercial buildings. September 2009.
- **Zoning Permit 06-489CA**; Replace two windows, north facade with two new paired windows. Erect 12 ft x 5 ft 6 in. balcony, install door, west side. [Building 32] February 2006.
- **Zoning Permit 06-379CA**; Fit up for Coffee Enterprises. [Building 32] New steel egress door added to south elevation. December 2005.

- **Zoning Permit 05-171CU**; Change from office space to manufacturing space, add 800 amp of power, add heat to entire building. October 2004. Permit relinquished.
- **Zoning Permit 96-283**; Installation of a seasonal dock for recreational use of Blodgett employees. January 1996.
- **Zoning Permit 96-048 / MA96-007**; Installation of a seasonal dock for recreational use of Blodgett employees. August 1995.
- **Non-Applicability of Zoning Permit Requirements**; Blodgett no longer utilizing space with Blodgett Oven expanding into area. Use remains the same; storage, testing, sales, support offices. March 1991.
- **Zoning Permit 78-465**; Blodgett Supply Co. to erect a 12' high by 210' long block wall to enclose the loading platform, install three dock levelers and erect one office. December 1977.

**Overview:** The office building at the terminus of Lakeside Avenue is proposed to be demolished and replaced with a four-level office building on the same footprint. The building is not listed on the state or National Register of Historic Places, and is outside the boundaries of the Lakeside Historic District. The Assessor's Database offers a construction date of 1945.

### **Part 1: Land Division Design Standards**

No land division is proposed within this application. Building 32 remains part of the overall 44/50 Lakeside Avenue parcel.

### **Part 2: Site Plan Design Standards**

#### **Sec. 6.2.2 Review Standards**

##### **(a)Protection of Important Natural Features:**

The existing building is built into the embankment along Lake Champlain, the most notable natural feature. There is an existing steel sea wall that will not be disturbed. As the replacement building is proposed on the same footprint with the addition of a 550 sf granite patio on the west, no additional impact is proposed or anticipated.

##### **(b) Topographical Alterations:**

The new building will be built upon the existing foundation. No topographical alterations are proposed.

##### **(c)Protection of Important Public Views:**

There are no protected views from or through this site. As the building is proposed on the same footprint as the existing building, little alteration will be made of existing views from Lakeside Avenue.

**(d) Protection of Important Cultural Resources:**

*Burlington's architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Archeological sites likely to yield information important to the city's or the region's pre-history or history shall be evaluated, documented, and avoided whenever feasible. Where the proposed development involves sites listed or eligible for listing on a state or national register of historic places, the applicant shall meet the applicable development and design standards pursuant to Sec. 5.4.8(b).*

Not applicable.

**(e) Supporting the Use of Renewable Energy Resources:**

Building 32 will be heated and cooled using geothermal energy, utilizing systems developed during the permitting of 44/50 under ZP19-0202 CA/MA. Although a solar array is not immediately planned for implementation, the redevelopment plan will include installation of two (2) empty conduits connecting the roof surface to the Building Electrical Closet; allowing future installation.

**(f) Brownfield Sites:**

Identified as Site 20154612, The property is listed under 34/44/50 Lakeside Avenue on the Vermont DEC website. <https://anrweb.vt.gov/DEC/ERT/Brownfields.aspx>

The project is enrolled in Brownfields Reuse and Environmental Liability Limitation Program (BRELLA), Two Phase I's have been submitted; two Phase II's completed. A Supplemental Phase II completed. A CAP (corrective action plan) was approved 3/19/19.

[https://anrweb.vt.gov/PubDocs/DEC/Hazsites/20154612.0412.19.Final.Approved.17-070\\_Lakeside.Ave.CAP\\_031119.pdf](https://anrweb.vt.gov/PubDocs/DEC/Hazsites/20154612.0412.19.Final.Approved.17-070_Lakeside.Ave.CAP_031119.pdf)

An excerpt from that approved CAP specific to Building 32 notes Recognized Environmental Conditions (RECs):

**1.4.1. Weston & Sampson Phase I ESA, September 18, 2015**

Weston & Sampson conducted a Phase I ESA of the Site on behalf of Malone Properties, Inc. in accordance with ASTM Standard Practice E1527-13. Weston & Sampson identified the following recognized environmental conditions (RECs) associated with the Site:

32 Lakeside Avenue

- The unknown outlet location of and historic release of boiler blow down and potentially hazardous materials to the floor drain in the utility room can result in a release to the environment and represents a REC.
- The apparent presence of a >50-year old fuel oil underground storage tank (UST) with fluid remaining in it represents a material threat for a release and is a REC.
- The potential for release of PCB containing window glazing and caulking to the soils surrounding the building is a REC.

Subsequent correspondence with Vermont DEC and Lee Rosberg of Stone Environmental provided the following directives<sup>1</sup>:

[Lee Rosberg, Stone Environmental]:

---

<sup>1</sup> Email from Michael B. Smith, Vermont Department of Environmental Conservation; April 24, 2020.

*The property owner has mentioned that they eventually intended to demolish the 32 building to the foundation and construct a building in the same footprint on the existing foundation. Stone [Environmental] has advised them:*

- 1) There are PCBs (<50 ppm) in the window caulk and some adjoining masonry that will require removal and disposal as bulk product waste in the same manner as the windows that were removed from the 50 building. Since this is a bulk product waste a cleanup plan in accordance with 40 CFR 761.61 is not required.*
- 2) There are low level PCBs (< 1 ppm and < non-resident VSS) in soil below each window and that these soils will either need to stay in place or be managed for disposal during construction. The last we discussed, Lakeside Ovens intended to leave soil in place. Attached, please find a map with caulk, masonry, and soil sample locations and corresponding analytical summary tables. These were included in the CAP, which was prepared prior to the 2019 IRule update so soil results are compared to previous VT soil standards in the table. However, there are no exceedances of the PCB non-resident soil standard (0.68 ppm) in soil near the 32 building.*
- 3) A UST just off the northeast corner of the foundation was assessed and closed in place last year. The closure report was submitted to the UST Program and SMS.*
- 4) A hazardous building materials assessment (lead, asbestos, etc.) should be conducted.*

The applicant will be conditioned to follow the protocols identified within the Corrective Action Plan and the guidance of the environmental consulting firm, noted above.

**(g) Provide for nature's events:**

*Special attention shall be accorded to stormwater runoff so that neighboring properties and/or the public stormwater drainage system are not adversely affected. All development and site disturbance shall follow applicable city and state erosion and stormwater management guidelines in accordance with the requirements of Art 5, Sec 5.5.3.*

A stormwater management plan has been requested of the applicant (4/20/2020, 5/13/2020.) Stormwater Engineering division acceptance of said plan will be a condition of any approval.

*Design features which address the effects of rain, snow, and ice at building entrances, and to provisions for snow and ice removal or storage from circulation areas shall also be incorporated.*

The applicant has ample on-site room for snow storage across the overall complex. Building entrances provide a manner of shelter during inclement weather.

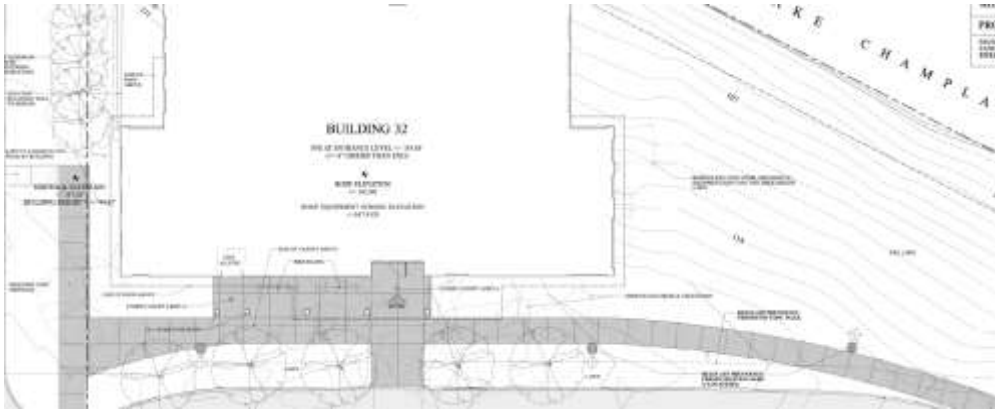
**(h) Building Location and Orientation:**

The proposed building will be similarly reconstructed on the same foundation footprint, oriented toward Lakeside Avenue with dual presentation toward the lake.

**(i) Vehicular Access:**

Building 32 is part of a larger parcel, with a vehicular access and parking facilities approved under ZP19-0202CA/MA.

**(j) Pedestrian Access:**



A pedestrian walkway will continue along Lakeside Avenue, and connect to the front of 32 Lakeside, continuing through the overall parcel. Any work proposed within the public ROW will require approval of the Department of Public Works and potentially City Council.

**(k) Accessibility for the Handicapped:**

The new building will be completely accessible. The south parking lot for Building 32 will provide one accessible and one van accessible handicap parking spaces. See Plan L-1.0 for parking.

**(l) Parking and Circulation:**

Parking was approved under ZP19-0202CA/MA for the larger parcel. A total of 381 parking spaces were approved (273 spaces (10 EV), and an additional 108 tandem spaces). Including all uses on the site (office, maker spaces and seasonal surf club), 315 spaces are required.

This application has minor modifications to the parking plan, appending the surface parking to 386 parking spaces (+5 over 19-0202 approval). See Plan L-1.1, with mark-up. The additional spaces include one conventional space (total 274) and 4 more tandem spaces (total 112.) The surfeit on the overall lot is 71 spaces; easily accommodating the additional 18 parking spaces required of the new building. (Proposed building 18,150 sf – existing building 9,200 sf = 8,950 sf @ 2/1000 in Shared Use district; 18 new parking spaces required.) Approval of the Parking Management Plan was within ZP19-0202CA/MA, including tenant managed parking assignment. A condition of approval will include conditions associated with that Parking Management Plan, to assure success of the plan and to prevent any on-street neighborhood parking with the expanded office building.

See Plan L-1.0 for a breakdown of parking requirements.

**(m) Landscaping and Fences:**

There is an existing cedar hedge on the south side of the project site, which is proposed to be retained or replaced-in-kind if disturbed during construction activities. Staff notes that these are not on the subject parcel (as the sidewalk extension south of the site.) If these components are to be impacted or changed, the abutting property owner must submit a permit application. The applicant submitted new plans (received 5.14.2020) to condense the Limit of Construction. Those are currently under review by the Department of Public Works.

Existing trees to the east of the building will be removed, to be replaced with five new trees between the pedestrian way and the access road. Existing, approved pole lights will be relocated along the pedestrian path. A 550 sf granite terrace is proposed on the west of the building. As this is within the 250' lakeshore buffer, Conservation Board review is required.

**(n) Public Plazas and Open Space:**

There are no public plazas here, but the rooftop deck and terraced area will provide an opportunity for outdoor space for building tenants.

**(o) Outdoor Lighting:**

*Where exterior lighting is proposed the applicant shall meet the lighting performance standards as per Sec 5.5.2.*

The plan indicates relocation of existing, approved walkway pole lighting. Under canopy can lights are proposed for the easterly entrance. (Information on the canopy lighting is on Plan L-1.0, upper left hand corner of the sheet.)

**(p) Integrate infrastructure into the design:**

*Exterior storage areas, machinery and equipment installations, service and loading areas, utility meters and structures, mailboxes, and similar accessory structures shall utilize setbacks, plantings, enclosures and other mitigation or screening methods to minimize their auditory and visual impact on the public street and neighboring properties to the extent practicable.*

*Utility and service enclosures and screening shall be coordinated with the design of the principal building, and should be grouped in a service court away from public view. On-site utilities shall be place underground whenever practicable. Trash and recycling bins and dumpsters shall be located, within preferably, or behind buildings, enclosed on all four (4) sides to prevent blowing trash, and screened from public view.*

*Any development involving the installation of machinery or equipment which emits heat, vapor, fumes, vibration, or noise shall minimize, insofar as practicable, any adverse impact on neighboring properties and the environment pursuant to the requirements of Article 5, Part 4 Performance Standards.*

Mechanical equipment is proposed on the roof-top, enclosed on all sides with a pre-finished vertical metal siding equipment screen. Electrical service is currently undergrounded (E1, but revised plans indicate relocation to within parcel limits). See Plan C-1.2 for utility arrangement.

**Part 3: Architectural Design Standards**

**Sec. 6.3.2 Review Standards**

**(a) Relate development to its environment:**

**1. Massing, Height and Scale:**





**(e) Quality of materials:**

*All development shall maximize the use of highly durable building materials that extend the life cycle of the building, and reduce maintenance, waste, and environmental impacts. Such materials are particularly important in certain highly trafficked locations such as along major streets, sidewalks, loading areas, and driveways. Efforts to incorporate the use of recycled content materials and building materials and products that are extracted and/or manufactured within the region are highly encouraged.*

Reference is made to plan A-2.0 for specifics on materials proposed. The rich and diverse collection of sheathing materials are considered durable and appropriate for new construction.

**(f) Reduce energy utilization:**

All new construction shall meet the Guidelines for Energy Efficient Construction pursuant to the requirements of Article VI. Energy Conservation, Section 8 of the City of Burlington Code of Ordinances.

The building will profit from the installation of geothermal wells installed as part of the overall complex redevelopment (ZP 0202CA/MA, 2019). Although not immediately proposed, the building will have the integral ability to adopt solar infrastructure in the future.

**(g) Make advertising features complementary to the site:**

Any signage will require a separate zoning permit.

**(h) Integrate infrastructure into the building design:**

See Section 6.2.2. (p), above.

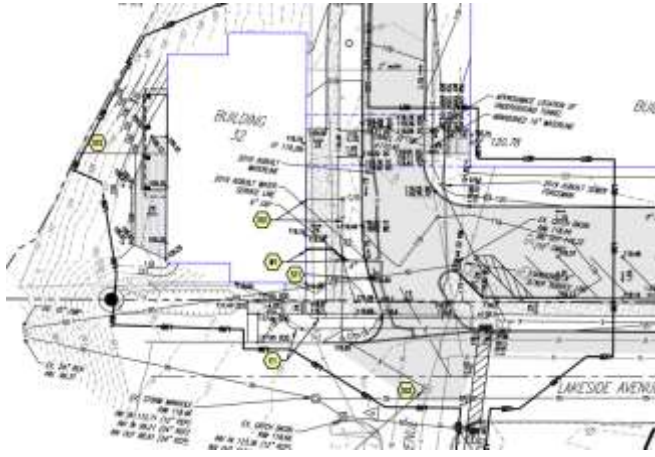
**(i) Make spaces secure and safe:**

Redevelopment is subject to all applicable building and life safety codes as defined by the Burlington's Building Inspector and the Fire Marshal.

Redevelopment shall be consistent with the requirements of the Corrective Action Plan approved March 2019, or any supplement to that document that addresses disposition or disturbance of soils and building materials specific to Building 32.

**Items for the Board's consideration:**

- Plans reveal work proposed outside the subject parcel (south of Building 32; within the Right-of-Way.) Any work within the ROW will require review and approval by the Department of Public Works and City Council.



- The proposed redevelopment will be consistent with the approved Corrective Action Plan approved by the Department of Environmental Conservation, and addresses the items identified as RECs within the CAP for Building 32. Additionally, redevelopment shall follow the guidance provided by the environmental consulting firm relative to the demolition of Building 32.
- The conditions of approval for the Parking Management Plan, approved under ZP19-02020CA/MA shall remain in effect. The owner shall remain responsible for tenant compliance with parking assignments to avoid residential street parking.
- Written approval by the Stormwater Engineering Division of the Stormwater and EPSC Plans are conditions of any affirmative decision.